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OFFICE OF PETITIONS

In re Application of	:	
Thomas Yu-Kiu KWOK, et al	:	
Application No. 10/079,741	:	DECISION ON PETITION
Filed: February 19, 2002	:	
Attorney Docket No. YOR920010252US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 2, 2008, to revive the above-identified application.

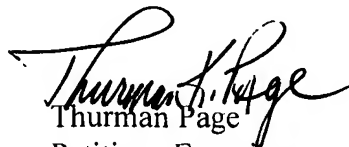
The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed October 16, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on November 3, 2007. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected Appeal Brief, (2) the petition fee of \$1540; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center 2164 for appropriate action by the Examiner in the normal course of business on the reply received May 2, 2008.


Thurman Page
Petitions Examiner
Office of Petitions

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 10079741

Total Records Found: 9

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/05/2008	00003911	<u>4</u>	<u>1453</u>	\$1,540.00	05/02/2008	CC
10/12/2006	00000002	<u>1</u>	<u>1251</u>	\$120.00	09/28/2006	DA 500510
02/16/2006	00000071	<u>1</u>	<u>1402</u>	\$500.00	02/16/2006	DA 500510
12/20/2005	00000084	<u>1</u>	<u>1401</u>	\$500.00	12/19/2005	DA 500762
12/20/2005	00000085	<u>1</u>	<u>1251</u>	\$120.00	12/19/2005	DA 500762
04/30/2002	00000036	<u>1</u>	<u>581</u>	\$40.00	02/19/2002	DA 500510
02/28/2002	00000137	<u>1</u>	<u>101</u>	\$740.00	02/19/2002	DA 500510
02/28/2002	00000138	<u>1</u>	<u>103</u>	\$306.00	02/19/2002	DA 500510
02/28/2002	00000139	<u>1</u>	<u>102</u>	\$420.00	02/19/2002	DA 500510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicant(s): Perrone et al.
Docket No.: YOR920010252US2
Serial No : 10/079,741
Filing Date: February 19, 2002
Group: 2164
10 Examiner: Sathyanarayan R. Pannala

Title: Retrieving Handwritten Documents Using Multiple Document Recognizers and
Techniques Allowing Both Typed and Handwritten Queries

15 PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

20 Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

25 Applicants submitted a Petition to Revive on February 21, 2007 that included a
first petition based on an unavoidable standard and an alternative petition based on an
unintentional standard. A Decision on Petition was mailed on April 12, 2007 indicating that the
first petition was denied but would be treated as a petition to revive under the unintentional
standard. Applicants have not received a decision on this second petition. Thus, Applicants are
30 resubmitting this second petition for consideration. Applicants hereby petition for revival of this
application, the entire delay in filing the required reply from the due date for the required reply
until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

35 1. Petition fee

There is a fee of \$1,540.00 due in conjunction with the Petition. Please charge **Deposit
Account No. 50-0762** the amount of \$1,540.00 to cover the fee. In the event of non-
payment or improper payment of a required fee, the Commissioner is authorized to
charge or to credit **Deposit Account No. 50-0762** as required to correct the error

2. Reply and/or fee

The reply and/or fee to the above-noted Notice of Non-Compliant Appeal Brief in the form of an Appeal Brief is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is listed below. The delay was unavoidable because the Notice of Appeal and Pre-Appeal Brief Request for Review was never received by Applicants.

Chronology:

02/14/06 Applicants filed an Appeal Brief with the USPTO.

04/24/06 Applicants received a Notice of Non-Compliant Appeal Brief dated April 21, 2006 (Exhibit A).

05/19/06 Applicants filed a Corrected Appeal Brief with the USPTO.

08/25/06 Applicants received a Notice of Non-Compliant Appeal Brief dated August 23, 2006 in response to the Corrected Appeal Brief filed on May 19, 2006 (Exhibit B).

09/25/06 Applicants filed a Twice Corrected Appeal Brief with the USPTO.

10/18/06 Applicants received a Notice of Non-Compliant Appeal Brief dated October 16, 2006 in response to the Twice Corrected Appeal Brief filed on September 25, 2006 (Exhibit C).

11/16/06 Applicants filed a Three Times Corrected Appeal Brief with the USPTO.

01/22/07 Applicants received a Communication Re: Appeal dated January 17, 2007 indicating the Appeal in this application was dismissed (Exhibit D).

02/09/07 Applicant conducted telephone interview with Examiner. The Examiner indicated that the Three Times Corrected Appeal Brief did not overcome all the reasons for Non-Compliance because the length of the citations utilized in mapping each independent claim to the disclosure in the Summary of Claimed Subject Matter was unacceptably long. Applicants note, however, that 37 CFR 41.37 (c)(1)(v) does not provide any guidance nor make any requirements regarding the length of the citations, and note that the Examiner's comments in support of the Notice of Non-Compliance did not indicate that the length of the citations was inappropriate. Applicants made a good faith effort to respond to address the deficiencies identified in the cited Notification of Non-Compliant Appeal Brief. Applicants submitted therewith a Four Times Corrected Appeal Brief that was believed to address all of the stated deficiencies and be fully compliant with 37 CFR 41.37 (c)(1)(v)

02/21/07 Applicants filed a Petition for Withdrawal of Holding of Abandonment with the USPTO. The Petition included Applicants request that in the event, the dismissal was not withdrawn, the response be treated as a Petition for Revival of an Application for Patent Abandoned Unintentionally (Exhibit E).

04/16/07 Applicants received the Decision on Petition Under CFR 1.181 to Withdraw Holding of Abandonment dated April 12, 2007. The Decision stated the petition was Denied. The Decision also stated "[a]s per applicant's request, the instant petition has been forwarded to the Office of Petition to treat as a petition to revive under 37 CFR §1.137(b)."

05/14/07 -

03/11/08 Applicants conducted periodic status checks on PAIR to see if a decision was made on the Petition for Revival of an Application for Patent Abandoned Unintentionally. There was no indication of a decision posted on Pair.

03/14/08 My assistant, telephoned the USPTO to inquire about the status of the decision. She spoke with Vincent Tran who instructed her to re-submit the Petition for Withdrawal of Holding of Abandonment documents and title them "Petition to Revive"

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.37(b) was unintentional.

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The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

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Date: May 2, 2008

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